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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In The Matter of: )

Creation of a New Service: )  
Telephone Management Radio )  
and Allocation of Spectrum )  
Therefor )

ET Docket 92-100  
PP-85

TO: The Commission

OPPOSITION

Mobile Telecommunication Technologies Corporation ("Mtel"), by its attorneys, respectfully submits these comments in opposition to Skycell Corporation's ("Skycell") Request for a Pioneer Preference for a Telepoint Management Radio ("TMR") service.<sup>1</sup> As detailed below, Skycell's request should be dismissed for its clear failure to meet the Commission's pioneer preference requirements.

I. STATEMENT OF INTEREST

Mtel has long been an innovative and leading provider of messaging services. Through its SkyTel™ and Mtel International subsidiaries, Mtel provides nationwide paging service to more than 180,000 subscribers across the United

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<sup>1</sup> Skycell Corporation, Request for a Pioneer Preference Determination, filed May 29, 1992 [hereinafter "Pioneer Preference Request"]. At the same time, Skycell filed a related Petition for Rulemaking, requesting the Commission to allocate a portion of the Advanced Messaging Services ("AMS") band to TMR. [hereinafter "Petition"].

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States and overseas.<sup>2</sup> In addition, Mtel has filed a Petition for Rulemaking and Request for Pioneer's Preference for a new Nationwide Wireless Network ("NWN") service. NWN will use innovative enhanced modulation techniques and an innovative advanced dynamic frequency management scheme to provide highly efficient, two-way messaging capabilities for laptop, palmtop, and other portable computing devices.

The Commission's pioneer preference policies have attracted a wide range of petitioners seeking to provide advanced messaging services. Many of these petitioners, including Skycell, have submitted perfunctory requests evidencing relatively little effort, innovation, or attention to the requirements of the Commission's Rules. In filing this Opposition, Mtel urges the Commission to avoid expending scarce time and resources in contemplating clearly deficient requests. Without taking any position on whether the proposed TMR service might warrant a spectrum allocation, Mtel has no doubt that Skycell's filings do not merit the extraordinary relief represented by grant of a pioneer's preference.

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<sup>2</sup> Mtel's recent accomplishments include the first 2400 bps simulcast messaging technology and providing nationwide one-way wireless electronic mailbox ("e-mail") service to AT&T Safari™ and HP95LX computers through the SkyTel™ network.

II. SKYCELL HAS FAILED TO MEET THE COMMISSION'S  
PIONEER'S PREFERENCE STANDARDS.

Skycell requests an allocation of 25 or 50 kHz in the 930 MHz band to provide a nationwide Telepoint Management Radio service. According to Skycell, TMR would be used to update "denied user list" files, synchronize Telepoint base stations and handsets, provide "group-call features to bulk users of CT-2 handsets," signal roamers, and provide custom messages.<sup>3</sup> The service would be provided from a single high-power transmitter in each area, transmitting at 3500 watts E.R.P. circularly polarized.<sup>4</sup>

Mtel respectfully submits that Skycell's request, even as supplemented by the rulemaking petition, is plainly insufficient under the Commission's Pioneer Preference Rules:<sup>5</sup>

- The description of the proposed service is vague and admittedly speculative, since it depends on the inclusion of Telepoint service within a yet-to-be released PCS notice of proposed rulemaking.<sup>6</sup>

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<sup>3</sup> Petition at 3-6.

<sup>4</sup> Id. at 6.

<sup>5</sup> 47 C.F.R. §1.402(a) (1991). The Commission has emphasized that the determination of whether to grant a preference is discretionary, Id., and that preferences will not be routinely granted. Establishment of Procedures To Provide a Preference to Applicants Proposing an Allocation for New Services, 7 FCC Rcd 1808 (1992) ("Reconsideration Order").

<sup>6</sup> Pioneer Preference Request at 2.

- There is no technical showing,<sup>7</sup> and Skycell will not even file an experimental license application, if at all, until after the PCS NPRM is released.<sup>8</sup>
- The request lacks both a plan to implement the TMR channel (other than a recommendation to the Commission to allocate 25 kHz in the AMS band)<sup>9</sup> and a demonstration that Skycell has developed the TMR service or any underlying technology.
- Finally, Skycell does not explain why an allocation at 930 MHz is even necessary. If telepoint services receive an allocation in the Emerging Technologies or PCS proceedings, the control link might be better situated within that allocation rather than in the AMS band.

In short, Skycell's filings do not come close to satisfying the Commission's strict requirements for grant of a pioneer's preference.

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<sup>7</sup> Skycell notes that Advanced Cordless Technologies "now holds an experimental paging license at 930.500 MHz to be used with its CT-2 experiments in New York City." Petition at 6. It does not, however, explain what these experiments involve or if they are in any way related to the "synchronizing signal broadcast on the TMR channel." *Id.*

<sup>8</sup> *Id.* at 1. *Cf.* 47 C.F.R. §1.401(a) (1991) ("The petitioner must accompany its preference request with either a demonstration of the technical feasibility of the new service or technology, or an experimental license application . . . .") (emphasis added).

<sup>9</sup> Petition at 4-5. *Cf.* 47 C.F.R. §1.401(a) (1991) ("The preference request must contain pertinent information concerning... plan[s] for implementing the service... The petitioner must demonstrate that it has developed the new service or technology....").

III. CONCLUSION

Skycell's Pioneer Preference Request must be dismissed because it fails to provide the showings required under Section 1.402 of the Commission's Rules.

Respectfully submitted,

MOBILE TELECOMMUNICATION  
TECHNOLOGIES CORPORATION

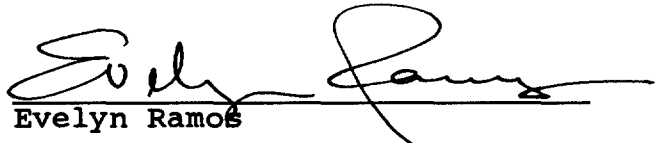
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June 19, 1992

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of June, 1992, I caused copies of the foregoing "Opposition" to be mailed via first-class postage prepaid mail to the following:

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